



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,534	10/25/2003	Nick E. Ciavarella	GOJ 03030	2298
26360 7590 09/24/2008 RENNER KENNER GREIVE BOBAK TAYLOR & WEBER FIRST NATIONAL TOWER FOURTH FLOOR 106 S. MAIN STREET AKRON, OH 44308				
EXAMINER CARTAGENA, MELVIN A				
ART UNIT		PAPER NUMBER		
3754				
MAIL DATE		DELIVERY MODE		
09/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2
3
4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
6
7

8 *Ex parte* NICK E. CIAVARELLA, MARK E. ROSENKRANZ, MARTIN
9 O'TOOLE, and FRANZ DETLEV SMITH
10

11
12 Appeal 2008-1816
13 Application 10/693,534
14 Technology Center 3700
15

16
17 Decided: September 24, 2008
18
19

20 *Before:* MURRIEL E. CRAWFORD, DAVID B. WALKER, and BIBHU
21 R. MOHANTY, *Administrative Patent Judges*.

22
23 CRAWFORD, *Administrative Patent Judge*.
24

25
26 DECISION ON APPEAL
27

28 STATEMENT OF THE CASE

29 Appellants appeal under 35 U.S.C. § 134 (2002) from a final rejection
30 of claims 1, 3, and 6 to 14. We have jurisdiction under 35 U.S.C. § 6(b)
31 (2002).

Appellants invented a universal adapter clip (Specification 1).

Claim 1 under appeal reads as follows:

1. A universal adaptor clip used in connection with a container that is received within a soap dispenser having a key-plate, the clip comprising:

a) a hollow body attachable to the container;

b) a flange extending radially outward from said body; and

c) a tab extending rearwardly from said body and axially spaced from said flange to receive the key-plate therebetween upon insertion of the container within the dispenser.

The Examiner rejected claims 1, 3, and 6 to 14 under 35 U.S.C. § 102(b) as being anticipated by Gerenraich.

The prior art relied on in this appeal is:

Gerenraich US 6,607,103 B2 Aug. 19, 2003

ISSUES

The dispositive issue in this case is whether the Appellants have shown that the Examiner erred in finding that Gerenraich discloses a universal adaptor clip that includes a hollow body and a tab extending rearwardly from the hollow body.

ANALYSIS

Appellants disclose an adaptor clip 40 for a container in a soap dispenser that comprises a hollow body 41 with a flange 43 extending radially outward from the hollow body attachable to a container (Specification 6; Figure 4). The adaptor clip 40 also includes tabs 50 extending rearwardly from the hollow body 41 (Specification 6).

This case turns on whether Gerenraich discloses a tab or a pair of tabs which extend from the hollow body of the clip or the clip itself. We will not sustain this rejection for the reasons that follow.

Gerenraich discloses a touch free soap dispenser that includes a clip that includes a hollow body 88 attachable to a container and a flange 80 which extends outwardly from the clip (Figure 6). Gerenraich also discloses an actuator 94 which is operated by a driver assembly 100 (col. 3, ll. 62 to 68; Figure 10). The actuator 94 includes a tab 126 and vertical ribs which extend outwardly from the actuator 94 (Figure 10). Gerenraich does not disclose a tab or a pair of tabs that extend from the hollow body 88 as required by claim 1, and claims 3 and 6 to 11, which are dependent on claim 1, and claim 12. Gerenraich does not disclose a pair of tabs extending from the bottom flange of the hollow body 88 as required by claim 13 and claim 14 dependent thereon.

The decision of the Examiner is reversed.

REVERSED

1 hh

2

3 RENNER KENNER GREIVE BOBAK TAYLOR & WEBER

4 FIRST NATIONAL TOWER FOURTH FLOOR

5 106 S. MAIN STREET

6 AKRON, OH 44308

7

8

9

10

11